

REMARKS

Claims 1-13 are pending in the above application.

The Office Action dated September 25, 2006, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below.

REJECTION UNDER 35 U.S.C. 112, SECOND PARAGRAPH

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, on the ground that it was not clear whether the recited fundamental data or the recited refractive index was being used as a variable. By the above amendment, claim 4 has been revised to clarify that the refractive index is the variable. The withdrawal of the rejection of claim 4 under 35 U.S.C. 112, second paragraph, is respectfully requested in view of this amendment.

REJECTION UNDER 35 U.S.C. 101

Claim 1 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. By the above amendment, the step of “outputting the calculated fundamental data of the lens” has been added to claim 1 to more clearly recite a concrete tangible result of the claimed process. See, e.g., *Arrhythmia Research Tech. v. Corazonix Corp.*, 22 U.S.P.Q. 2d 1033, 1038 (Fed. Cir. 1992). In view of the above amendment, it is respectfully submitted that claim 1 satisfies the requirements of 35 U.S.C. 101.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Manning. By the above amendment, claim 1 has been revised to recite illuminating a lens from a first surface side of the lens and measuring degree of refraction from a second surface side of the lens. Manning shows illumination and measurement from the same side of a lens. Manning therefore does not teach each limitation recited in amended claim 1, and claim 1 as amended is submitted to be allowable over Manning for at least this reason.

Claims 2-4 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 5 was also rejected under 35 U.S.C. 102(b) as being anticipated by Manning. By the above amendment, claim 5 has been revised to recite means for illuminating a lens from a first surface side of the lens and means for detecting transmitted light from a second surface side of the lens. This arrangement is not shown or suggested by Manning, and claim 5 is submitted to be allowable over Manning for at least this reason.

Claims 6, 7, 12 and 13 depend from claim 5 and are submitted to be allowable for at least the same reasons as claim 5.

Claim 8 was objected to for being dependent upon a rejected base claim but was indicated to be allowable if rewritten in independent form. This has been accomplished by the above amendment. Claim 8 and its dependent claims 9-11 are therefore also submitted to be in condition for allowance.

CONCLUSION

Each issue raised in the Office Action dated September 25, 2006, has been addressed, and it is believed that claims 1-13 are now in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact the undersigned attorney, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/824,356
Amendment dated December 22, 2006
Reply to Office Action of September 25, 2006

Docket No.: 4826-0104PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: December 22, 2006

Respectfully submitted,

By 

Scott T. Wakeman

Registration No.: 37,750

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant